

1 RUSS AUGUST & KABAT  
Brian Ledahl (CA SB No. 186579)  
2 Neil A. Rubin (CA SB No. 250761)  
Jacob Buczko (CA SB No. 269408)  
3 RUSS AUGUST & KABAT  
12424 Wilshire Boulevard 12th Floor  
4 Los Angeles, California 90025  
Telephone: 310-826-7474  
5 Facsimile: 310-826-6991  
E-mail: bledahl@raklaw.com  
6 E-mail: nrubin@raklaw.com  
E-mail: jbuczko@raklaw.com  
7

8 *Attorneys for Plaintiff Document Security Systems, Inc.*

9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 DOCUMENT SECURITY SYSTEMS,  
12 INC.,

13 Plaintiff,

14 v.

15 EVERLIGHT ELECTRONICS CO.,  
16 LTD., and EVERLIGHT AMERICAS,  
17 INC.,

18 Defendants.

Civil Action No. 2:17-cv-04273

**JURY TRIAL DEMANDED**

19 **COMPLAINT FOR PATENT INFRINGEMENT**

20 This is an action for patent infringement arising under the Patent Laws of the  
21 United States of America, 35 U.S.C. § 1 *et seq.* in which Document Security Systems,  
22 Inc. (“DSS” or “Plaintiff”) makes the following allegations against Defendants  
23 Everlight Electronics Co., Ltd. (“Everlight Electronics”) and Everlight Americas, Inc.  
24 (“Everlight Americas”) (collectively “Everlight” or “Defendants”).

25 **PARTIES**

26 1. Document Security Systems, Inc. is a publicly-traded New York  
27 corporation. Founded in 1984, DSS is a global leader in brand protection, digital  
28 security solutions and anti-counterfeiting technologies.

1           2.     In November 2016, DSS acquired a portfolio of patents covering  
2 technologies used in Light-Emitting Diode (“LED”) lighting products, including the  
3 patents-in-suit. The patents in this portfolio were originally assigned to Agilent  
4 Technologies, Inc. and/or the successors of its LED business. Since its recent  
5 acquisition of these patents, DSS has worked to expand its business efforts regarding  
6 LED technology. DSS is pursuing both licensing and commercialization of this  
7 technology acquisition, and is establishing those activities within its Plano location.

8           3.     On information and belief, Everlight Electronics Co., Ltd., is a  
9 corporation organized and existing under the laws of Taiwan with its principal place  
10 of business at No. 6-8, Zhonghua Rd., Shulin Dist., New Taipei City, Taiwan 23860.  
11 Upon information and belief, Everlight manufactures light-emitting diode (“LED”)   
12 products in Taiwan and, through its subsidiary, Defendant Everlight Americas, Inc.,  
13 imports, sells and/or offers to sell LED products the State of California and elsewhere  
14 in the United States.

15           4.     On information and belief, Everlight Americas, Inc. is a Delaware  
16 corporation with its principal place of business at 3220 Commander Dr., Suite 100,  
17 Carrollton, Texas, 75006. Upon information and belief, Everlight Americas imports,  
18 sells and/or offers for sale nationwide LED products manufactured by Everlight  
19 Electronics, including in the State of California and in this judicial district. Defendant  
20 Everlight Americas can be served through its registered agent, Tao Wang, 4226 Via  
21 Angelo, Montclair CA 91763.

## 22                               **JURISDICTION AND VENUE**

23           5.     This action arises under the patent laws of the United States, Title 35 of  
24 the United States Code. Accordingly, this Court has subject matter jurisdiction under  
25 28 U.S.C. §§ 1331 and 1338(a).

26           6.     This Court has personal jurisdiction over Defendants in this action  
27 because, among other reasons, Defendants have committed acts within the Central  
28 District of California giving rise to this action and have established minimum contacts

1 with the forum state of California, including by establishing a regular and established  
2 place of business within this District at 4237 East Airport Dr., Ontario, CA 91761.  
3 Defendants directly and/or through subsidiaries or intermediaries (including  
4 distributors, retailers, and others), have committed and continue to commit acts of  
5 infringement in this District by, among other things, making, using, importing,  
6 offering for sale, and/or selling products and/or services that infringe the patents-in-  
7 suit. Thus, Defendants have purposefully availed themselves of the benefits of doing  
8 business in the State of California and the exercise of jurisdiction over Defendants  
9 would not offend traditional notions of fair play and substantial justice. Everlight  
10 Americas is registered to do business in the State of California, and has appointed Tao  
11 Wang, 4226 Via Angelo, Montclair CA 91763 as its agent for service of process.

12 7. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b)  
13 because Defendants have a regular and established place of business in this District  
14 and have committed acts of patent infringement in this District.

### 15 **BACKGROUND**

16 8. DSS is the owner by assignment of United States Patent No. 6,949,771  
17 (“the ’771 Patent”) entitled “Light Source.” The ’771 Patent was duly and legally  
18 issued by the United States Patent and Trademark Office on September 27, 2005. A  
19 true and correct copy of the ’771 Patent is included as Exhibit A.

20 9. DSS is the owner by assignment of United States Patent No. 7,524,087  
21 (“the ’087 Patent”) entitled “Optical Device.” The ’087 Patent was duly and legally  
22 issued by the United States Patent and Trademark Office on April 28, 2009. A true  
23 and correct copy of the ’087 Patent is included as Exhibit B.

24 10. DSS is the owner by assignment of United States Patent No. 7,919,787  
25 (“the ’787 Patent”) entitled “Semiconductor Device with a Light Emitting  
26 Semiconductor Die.” The ’787 Patent was duly and legally issued by the United  
27 States Patent and Trademark Office on April 5, 2011. A true and correct copy of the  
28 ’787 Patent is included as Exhibit C.



1           16. By making, using, offering for sale, selling, and/or importing the '771  
2 Accused Instrumentalities infringing the '771 Patent, Defendants have injured DSS  
3 and are liable to DSS for infringement of the '771 Patent pursuant to 35 U.S.C. §  
4 271(a) directly and/or under the doctrine of equivalents.

5           17. In addition, Defendants are actively inducing others, such as their  
6 customers and end users of Accused Instrumentalities, services based thereupon, and  
7 related products and/or processes, to directly infringe each and every claim limitation,  
8 including without limitation claims 1 to 8 of the '771 Patent, in violation of 35 U.S.C.  
9 § 271(b). Upon information and belief, Defendants' customers and/or end users have  
10 directly infringed and are directly infringing each and every claim limitation,  
11 including without limitation claims 1 to 8 of the '771 Patent. Defendants have had  
12 actual knowledge of the '771 Patent at least as of service of this Complaint.  
13 Defendants are knowingly inducing their customers and/or end users to directly  
14 infringe the '771 Patent, with the specific intent to encourage such infringement, and  
15 knowing that the induced acts constitute patent infringement. Defendants'  
16 inducement includes, for example, providing technical guides, product data sheets,  
17 demonstrations, software and hardware specifications, installation guides, and other  
18 forms of support that induce their customers and/or end users to directly infringe the  
19 '771 Patent. The '771 Accused Instrumentalities are designed in such a way that  
20 when they are used for their intended purpose, the user infringes the '771 Patent.  
21 Defendants know and intend that customers that purchase the '771 Accused  
22 Instrumentalities will use those products for their intended purpose.

23           18. Defendants have been aware of the '771 Patent and of its infringement as  
24 of a date no later than the date they were served with this Complaint in this action. To  
25 the extent facts learned in discovery show that Defendants' infringement of the '771  
26 Patent is or has been willful, or to the extent that Defendants' actions subsequent to  
27 the filing of this Complaint—such as their behavior as litigants or their failure to take  
28

1 remedial actions—render their infringement egregious, DSS reserves the right to  
2 request such a finding at time of trial.

3 19. As a result of Defendants’ infringement of the ’771 Patent, DSS has  
4 suffered monetary damages in an amount adequate to compensate for Defendants’  
5 infringement, but in no event less than a reasonable royalty for the use made of the  
6 invention by Defendants, together with interest and costs as fixed by the Court.

## 7 **COUNT II**

### 8 **INFRINGEMENT OF THE ’087 PATENT**

9 20. DSS references and incorporates by reference paragraphs 1 through 19 of  
10 this Complaint. On information and belief, Defendants make, use, offer for sale, sell,  
11 and/or import in the United States products and/or services that infringe various  
12 claims of the ’087 Patent, and continues to do so. By way of illustrative example,  
13 Defendants’ infringing products include without limitation, all versions and  
14 variations, including predecessor and successor models of its PLCC Top View SMD  
15 LED, 2214 package series, 3020 package series, 3232 package series, 3527 package  
16 series, 3528 package series, 5050 package series, and 7450 package series.

17 Defendants’ infringing products also include products, e.g., light bulbs, displays and  
18 fixtures that contain at least one infringing LED product. Defendants’ infringing  
19 products are collectively referred to hereinafter as “’087 Accused Instrumentalities.”

20 21. On information and belief, Defendants have directly infringed and  
21 continue to directly infringe the ’087 Patent by, among other things, making, using,  
22 offering for sale, selling, and/or importing the ’087 Accused Instrumentalities. On  
23 information and belief, such products and/or services are covered by one or more  
24 claims of the ’087 Patent’s including at least claim 1 because they contain each  
25 element of that claim.

26 22. By making, using, offering for sale, selling, and/or importing the ’087  
27 Accused Instrumentalities infringing the ’087 Patent, Defendants have injured DSS  
28

1 and are liable to DSS for infringement of the '087 Patent pursuant to 35 U.S.C. §  
2 271(a) directly and/or under the doctrine of equivalents.

3       23. In addition, Defendants are actively inducing others, such as their  
4 customers and end users of Accused Instrumentalities, services based thereupon, and  
5 related products and/or processes, to directly infringe each and every claim limitation,  
6 including without limitation claim 1 of the '087 Patent, in violation of 35 U.S.C. §  
7 271(b). Upon information and belief, Defendants' customers and/or end users have  
8 directly infringed and are directly infringing each and every claim limitation,  
9 including without limitation claim 1 of the '087 Patent. Defendants have had actual  
10 knowledge of the '087 Patent at least as of service of this Complaint. Defendants are  
11 knowingly inducing their customers and/or end users to directly infringe the '087  
12 Patent, with the specific intent to encourage such infringement, and knowing that the  
13 induced acts constitute patent infringement. Defendants' inducement includes, for  
14 example, providing technical guides, product data sheets, demonstrations, software  
15 and hardware specifications, installation guides, and other forms of support that  
16 induce their customers and/or end users to directly infringe the '087 Patent. The '087  
17 Accused Instrumentalities are designed in such a way that when they are used for their  
18 intended purpose, the user infringes the '087 Patent. Defendants know and intend that  
19 customers that purchase the '087 Accused Instrumentalities will use those products for  
20 their intended purpose.

21       24. Defendants have been aware of the '087 Patent and of its infringement as  
22 of a date no later than the date they were served with this Complaint in this action. To  
23 the extent facts learned in discovery show that Defendants' infringement of the '087  
24 Patent is or has been willful, or to the extent that Defendants' actions subsequent to  
25 the filing of this Complaint—such as their behavior as litigants or their failure to take  
26 remedial actions—render their infringement egregious, DSS reserves the right to  
27 request such a finding at time of trial.  
28



25. As a result of Defendants' infringement of the '087 Patent, DSS has suffered monetary damages in an amount adequate to compensate for Defendants' infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court.

### COUNT III

## INFRINGEMENT OF THE '355 PATENT

26. DSS references and incorporates by reference paragraphs 1 through 25 of this Complaint.

27. On information and belief, Defendants make, use, offer for sale, sell, and/or import in the United States products and/or services that infringe various claims of the '787 Patent, and continues to do so. By way of illustrative example, Defendants' infringing products include without limitation, all versions and variations, including predecessor and successor models, of its 3045 package series. Defendants' infringing products also include products, e.g., light bulbs, displays and fixtures that contain at least one infringing LED product. Defendants' infringing products are collectively referred to hereinafter as "'787 Accused Instrumentalities."

28. On information and belief, Defendants have directly infringed and continue to directly infringe the '787 Patent by, among other things, making, using, offering for sale, selling, and/or importing the '787 Accused Instrumentalities. On information and belief, such products and/or services are covered by one or more claims of the '787 Patent's including at least claim 7 because they contain each element of that claim.

29. By making, using, offering for sale, selling, and/or importing the '787 Accused Instrumentalities infringing the '787 Patent, Defendants have injured DSS and are liable to DSS for infringement of the '787 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine of equivalents.

30. In addition, Defendants are actively inducing others, such as their customers and end users of Accused Instrumentalities, services based thereupon, and



1 related products and/or processes, to directly infringe each and every claim limitation,  
2 including without limitation claims 1 and 7 of the '787 Patent, in violation of 35  
3 U.S.C. § 271(b). Upon information and belief, Defendants' customers and/or end  
4 users have directly infringed and are directly infringing each and every claim  
5 limitation, including without limitation claims 1 and 7 of the '787 Patent. Defendants  
6 have had actual knowledge of the '787 Patent at least as of service of this Complaint.  
7 Defendants are knowingly inducing their customers and/or end users to directly  
8 infringe the '787 Patent, with the specific intent to encourage such infringement, and  
9 knowing that the induced acts constitute patent infringement. Defendants'  
10 inducement includes, for example, providing technical guides, product data sheets,  
11 demonstrations, software and hardware specifications, installation guides, and other  
12 forms of support that induce their customers and/or end users to directly infringe the  
13 '787 Patent. The '787 Accused Instrumentalities are designed in such a way that  
14 when they are used for their intended purpose, the user infringes the '787 Patent.  
15 Defendants know and intend that customers that purchase the '787 Accused  
16 Instrumentalities will use those products for their intended purpose.

17       31. Defendants have been aware of the '787 Patent and of its infringement as  
18 of a date no later than the date they were served with this Complaint in this action. To  
19 the extent facts learned in discovery show that Defendants' infringement of the '787  
20 Patent is or has been willful, or to the extent that Defendants' actions subsequent to  
21 the filing of this Complaint—such as their behavior as litigants or their failure to take  
22 remedial actions—render their infringement egregious, DSS reserves the right to  
23 request such a finding at time of trial.

24       32. As a result of Defendants' infringement of the '787 Patent, DSS has  
25 suffered monetary damages in an amount adequate to compensate for Defendants'  
26 infringement, but in no event less than a reasonable royalty for the use made of the  
27 invention by Defendants, together with interest and costs as fixed by the Court.  
28

**COUNT IV**

**INFRINGEMENT OF THE '486 PATENT**

33. DSS references and incorporates by reference paragraphs 1 through 32 of this Complaint.

34. On information and belief, Defendants make, use, offer for sale, sell, and/or import in the United States products and/or services that infringe various claims of the '486 Patent, and continues to do so. By way of illustrative example, Defendants' infringing products include without limitation, all versions and variations, including predecessor and successor models, of its 3045 package series. Defendants' infringing products also include products, e.g., light bulbs, displays and fixtures that contain at least one infringing LED product. Defendants' infringing products are collectively referred to hereinafter as "'486 Accused Instrumentalities."

35. On information and belief, Defendants have directly infringed and continues to directly infringe the '486 Patent by, among other things, making, using, offering for sale, selling, and/or importing the '486 Accused Instrumentalities. On information and belief, such products are covered by one or more claims of the '486 Patent including at least claim 1 because they contain each element of that claim.

36. By making, using, offering for sale, selling, and/or importing the '486 Accused Instrumentalities infringing the '486 Patent, Defendants have injured DSS and is liable to DSS for infringement of the '486 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine of equivalents.

37. In addition, Defendants are actively inducing others, such as their customers and end users of Accused Instrumentalities, services based thereupon, and related products and/or processes, to directly infringe each and every claim limitation, including without limitation claim 1 of the '486 Patent, in violation of 35 U.S.C. § 271(b). Defendants' customers and/or end users have directly infringed and are directly infringing each and every claim limitation, including without limitation claim 1 of the '486 Patent. Defendants have had actual knowledge of the '486 Patent at

1 least as of service of this Complaint. Defendants are knowingly inducing their  
2 customers and/or end users to directly infringe the '486 Patent, with the specific intent  
3 to encourage such infringement, and knowing that the induced acts constitute patent  
4 infringement. Defendants' inducement includes, for example, providing technical  
5 guides, product data sheets, demonstrations, software and hardware specifications,  
6 installation guides, and other forms of support that induce their customers and/or end  
7 users to directly infringe the '486 Patent. The '087 Accused Instrumentalities are  
8 designed in such a way that when they are used for their intended purpose, the user  
9 infringes the '486 Patent. Defendants know and intend that customers that purchase  
10 the '087 Accused Instrumentalities will use those products for their intended purpose.

11 38. Defendants have been aware of the '486 Patent and of its infringement as  
12 of a date no later than the date they were served with this Complaint in this action. To  
13 the extent facts learned in discovery show that Defendants' infringement of the '486  
14 Patent is or has been willful, or to the extent that Defendants' actions subsequent to  
15 the filing of this Complaint—such as their behavior as litigants or their failure to take  
16 remedial actions—render their infringement egregious, DSS reserves the right to  
17 request such a finding at time of trial.

18 39. As a result of Defendants' infringement of the '486 Patent, DSS has  
19 suffered monetary damages in an amount adequate to compensate for Defendants'  
20 infringement, but in no event less than a reasonable royalty for the use made of the  
21 invention by Defendants, together with interest and costs as fixed by the Court.

### 22 **PRAYER FOR RELIEF**

23 Plaintiff respectfully requests the following relief from this Court:

24 A. A judgment that Defendants have infringed one or more claims of the  
25 '771, '087, '787, and/or '486 Patents;

26 B. A judgment and order requiring Defendants to pay DSS its damages,  
27 costs, expenses, and prejudgment and post-judgment interest for Defendants' acts of  
28 infringement in accordance with 35 U.S.C. § 284;

1 C. A judgment and order requiring Defendants to provide accountings and  
2 to pay supplemental damages to DSS, including, without limitation, prejudgment and  
3 post-judgment interest;

4 D. A judgment and order finding that this is an exceptional case within the  
5 meaning of 35 U.S.C. § 285 and awarding to DSS its reasonable attorneys' fees  
6 against Defendants; and

7 E. Any and all other relief to which DSS may show itself to be entitled.

8 **JURY TRIAL DEMANDED**

9 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, DSS requests a  
10 trial by jury of any issues so triable by right.

11  
12 Dated: June 8, 2017

By: Brian Ledahl

13 RUSS AUGUST & KABAT  
14 Brian Ledahl (CA SB No. 186579)  
15 Neil A. Rubin (CA SB No. 250761)  
16 Jacob Buczko (CA SB No. 269408)  
17 RUSS AUGUST & KABAT  
18 12424 Wilshire Boulevard 12th Floor  
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20 Telephone: 310-826-7474  
21 Facsimile: 310-826-6991  
22 E-mail: bledahl@raklaw.com  
23 E-mail: nrubin@raklaw.com  
24 E-mail: jbuczko@raklaw.com

25 Attorneys for Plaintiff,  
26 *Document Security Systems, Inc.*  
27  
28